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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,353	06/12/2001	Farhad Mohit	BIZ/01-0003	8754
22874	7590	05/12/2005	EXAMINER	
GANZ LAW, P.C. P O BOX 2200 HILLSBORO, OR 97123			SMITH, TRACI L	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,353

Applicant(s)

MOHIT ET AL.

Examiner

Traci L Smith

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This action is in response to papers filed on March 14, 2005.
2. No claims have been amending.
3. Claims 1-59 are pending.
4. Claims 1-59 are rejected.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-48 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant fails to make clear whether a system or a method is being claimed.
3. Claims 2-19 recites the limitation "the method" in the preamble of the claims. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-59 are rejected under 35 U.S.C. 102(b) as being anticipated by www.amazon.com; archived any linkage; October 13, 1999, hereinafter referred to as amazon.

Art Unit: 3629

7. As to claims 1, 20, 22, 27, 33, 45, 48-49 and 53-54 Amazon teaches a website system and method for searching key words where in the system; identifies the items and returns results related to items to the client.(Pg. 12 "search").
8. As to claims 2-4, 15-17, 23, 25, 32, 44 and 50 Amazon teaches embedding the code into the document.(Pg. 26-26). Although the reference doesn't explicitly teach the control of the code it is inherent that websites have embedded code performing the search "behind the scenes" and any web system is capable of performing the code.
9. As to claims 5-6, 28-29, 34, 36, 42, 46-47, 51-52 and 55 Amazon teaches product categories used to browse.(Pg. 12 "Browse").
10. As to claims 7-8, 13, 26, 35 and 37 Amazon teaches information about products found in query.(Pg. 14 "Read About it")
11. As to claims 9 and 38 Amazon teaches comparative product information(Pg. 14 bulleted items).
12. As to claims 10 and 39 Amazon teaches means for retrieving additional information(Pg. 14 "Read it")
13. As to claims 11 and 40 Amazon teaches making product available for online purchases(Pg. 14 "Add to Cart").
14. As to claims 12, 41 and 59 Amazon teaches categories with links to those products(Pg. 20 "site guide").
15. As to claims 14 and 43 Amazon teaches streaming media(Pg. 33 "Digital downloads").

16. As to claim 18 Amazon teaches hyperlink associated with key elements(Pg. 1 "browse" in left hand column).
17. As to claims 19 and 24 teaches instant information related to key elements.(Pg. 4 "What we offer" 3rd bullet).
18. As to claims 21 and 31 Amazon teaches transmitting information based on user selection.(pg. 37 "recommendations")
19. As to claim 56 Amazon teaches a content server(Pg. 4 "what we offer")
20. As to claims 57-58 Amazon teaches control by third party(Pg. 31 "Our trusted partners").

Response to Arguments

21. Applicant's arguments filed March 15, 2005 have been fully considered but they are not persuasive.
22. As to applicants arguments regarding the 35 U.S.C. 112 that the claims are written in an accepted manner to set forth the environment for the claimed matter. However, the manner in which the claim is currently read according to MPEP 2111.01 the examiner can read the claim in the broadest reasonable sense. The current claims could be read as a system. The examiner notes the proper form for the claim to be written as a method with intent to show the environment of the claims subject matter would be: a method comprising: providing a system with a content provider computer system, a central computer system, and a client computer system, etc... The examiner makes note that additional claims have been added into the already made rejection so as to indicate all claims needing to meet this criteria in order to be proper.

23. Applicant's arguments filed March 15, 2005 have been fully considered but they are not persuasive.

24. Claim 1-Applicant argue the action not teaching the specific terminology of the claims. Applicant is reminded that the examiner is required to read the claims in the broadest reasonable sense, therefore is able to interpret terms for their general accepted meaning. It is also noted that prior art references are not required to teach the claim in the exact same terms used rather teach the inventive concept.

25. Applicant argues that the prior art www.amazon.com, hereinafter referred to as amazon, does not teach embedded code. Examiner notes that the claims are written in a broad sense in that code can be defined as any computer instruction. A hyperlink is instructing the web browser to go to a new web location. The applicant further argues that amazon fails to teach annotation of key elements. Examiner points to Pg. 13 of the reference in which key elements such as price, availability etc. are noted for the user.

26. Claim 20, 22 and 27 Applicant argues similar features as in Claim 1 therefore examiner refers back to the above response to arguments. Applicant further argues that amazon does not teach the second computer(user computer) sending web information to a first computer system(amazon), as well as sending key lists and element identifiers. Examiner notes the claims are written broadly allowing the examiner to read the key lists as user history and elements as previously purchased products. Examiner points to page 37 the reference discloses using purchased items, and items user rated(information sent from user computer to central system).

27. Claim 33 and 45 applicant argues data transmission between computer systems and use of URL. Examiner notes that amazon is a website with the URL of www.amazon.com and that applicant's claim in general in regard to mode of transmission therefore any mode of data transmission over a network reads on the claims.

28. Claims 48-49 applicant argues the art does not teach the code being stored and executed on a specific computer. Examiner notes that claims merely states the central computer system(amazon) was told by the user system to perform the annotation process.

29. Claim 53 – Applicant again argues reference does not teach specific terminology with the examiner address earlier in this response. Applicant further argues that the first computer system storing a key list to use on a content page. The examiner notes Pg. 4 ¶ 6 where reference teaches instant recommendations, which is read by the examiner as being stored on the first system(ie cookies) being supplied by the provider.

30. Claim 54 – The examiner points to Pg. 37 again where the reference explains the process for identifying recommendations.

31. Claims 2-4, 15-17, 23, 25, 32, 44 and 50 applicant argues that reference teaches hyperlink code, examiner notes that applicants are drawn to embedded code when interpreted in the broadest reasonable sense the can be read as text coded with a hyperlink. Examiner points to the citation of pertinent prior art in the previous office action US Patent 625, 631 that teaches creation of hyperlinks into web documents as being old and well know in the art since 1997.

32. Claims 2-4 and 32 Applicant argues that the reference does not teach embedding by a different party than the content provider. Examiner notes this maybe the case however, the applicant fails to claim this. The claims read *The method of claim 1, wherein the code embedded into the content document is embedded by a computer system under the control of the party controlling the content provider computer system.*

33. Claims 15-17 and 44 applicant argues that the generation of data in response to a query are not being taught as being executable on a computer system. The examiner notes the reference is a web site that is being performed over the internet therefore it is inherent that the code is executable via a client system.

34. Claims 5-6, 28-29, 34, 36, 42, 46-47, 51-52 and 55 AND 7-8, 13, 26, 35 and 37 applicant argues reference does not teach using key elements to formulate query. Examiner continues to note that applicants claims are written broadly allowing for a broad interpretation of what constitutes "elements".

35. Claims 12, 41 and 59 Applicant argues use of specific terminology. Again applicant is reminded that examiner is not required to use references identifying specific terms as several words have the same meaning used in identifying an inventive concept.

36. Claim 18 Examiner believes the lists generated from query are annotated and hyperlinked as stated in argues to claims 20, 22 and 27.

37. Claims 18 and 24 Applicant argues reference not teach pop ups for presenting the links to key element information. Examiner notes that the method in which the links

are presented to the user are a design choice and do not effect the steps of the method.'

38. Claims 21 and 31 argue that reference does not teach how the recommendations are technically done. Examiner notes associated and data comparison is inherent in product information and further references pertinent prior art reference in first office action US Patent 625, 631 that teaches creation of hyperlinks into web documents as being old and well know in the art since 1997.

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L Smith whose telephone number is 572-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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